

Message Text

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ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 FMC-01 CIAE-00 COME-00 DODE-00

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DRAFTED BY EB/TT/MA:JPSTEINMETZ:EW

APPROVED BY EB/TT/MA:RKBANK

ARA/CEN:DCLARE

FMC:WJSMITH (INFO)

MARAD:RBOURDON (INFO)

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P 131446Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY GUATEMALA PRIORITY

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E.O. 11652:N/A

TAGS: EWWT, GT, US

SUBJECT: SHIPPING: FLOMERCA/DELTA PROBLEM

REF: (A) GUATEMALA 3054; LB) GUATEMALA 2896

1. CAPT. CLARK INFORMED DEPARTMENT JUNE 12 THAT DELTA INSTRUCTED ITS WASHINGTON ATTORNEY TO RESURRECT WITH FMC DELTA'S REQUEST THAT COMMISSION INVOKE SECTION 19 COUNTERVAILING MEASURES AGAINST FLOMERCA AND TO CONTEST FLOMERCA'S COOPERATIVE WORKING AGREEMENTS WITH CCT (FMC NO. 10153 WHICH IS PENDING APPROVAL) AND PAN AMERICAN MAIL LINES (FMC NO. 10040 & 10040-1 ON WHICH APPROVAL OF TWO YEAR EXTENSION HAS BEEN REQUESTED); CLARK SAID ATTORNEY WOULD CALL AT FMC MONDAY, JUNE 16. IN RELATING FOREGOING, CLARK STATED "DELTA UNDER THE CIRCUMSTANCES HAS NO OTHER CHOICE BUT TO ACT TO PROTECT ITS INTERESTS".

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HE INDICATED DELTA DOES NOT CONSIDER PROMISED INTERIM

BLANKET WAIVER FROM FLOMERCA FOR CARGO CARRIED BY DELTA TO BE SATISFACTORY BECAUSE SHIPPERS WOULD STILL BE HESITANT TO UTILIZE DELTA VESSELS BECAUSE OF PAST WAIVER DIFFICULTIES, ESPECIALLY PREVIOUS ARBITRARY ACTIONS BY ARMAGUA. CLARK EMPHASIZED THERE IS NO GUARANTEE THAT DECREE NO. 71-41 WILL BE REPEALED AND GOG-PROPOSED NEW LEGISLATION TO UNDERWRITE FLOMERCA WILL BE ENACTED. HE

STATED THAT IF FLOMERCA AND GOG WERE IN FACT SERIOUS IN RESOLVING PROBLEM AS REPORTED REFTEL B, HE SAW NO REASON WHY FLOMERCA AND DELTA SHOULD NOT CONCLUDE INTERIM AGREEMENT GRANTING DELTA ASSOCIATE STATUS WITH FLOMERCA WHICH COULD BE IMPLEMENTED IMMEDIATELY FOLLOWING FMC APPROVAL AND REMAIN IN EFFECT UNTIL SUCH TIME AS GOG ACTS ON PROPOSED LEGISLATION. CLARK ALSO COMMENTED HE HAS SPOKEN WITH LONGCOPE, WHO HAS EXPRESSED EXASPERATION OVER FACT THAT FLOMERCA OFFICIALS AND LINES' GUATEMALAN LAWYER HAVE NOT RETURNED HIS CALLS OVER LAST WEEK OR SO.

2. EMBASSY MAY PASS FOREGOING INFORMATION TO GOG/FLOMERCA OFFICIALS IF IT BELIEVES DOING SO MAY SERVE USEFUL PURPOSE.

3. COMMENT: DEPARTMENT DID NOT COMMENT TO CLARK ON DELTA'S PROJECTED COURSE OF ACTION. WE DO NOT BELIEVE ANY ATTEMPT TO DISSUADE DELTA FROM PURSUING MATTER WITH FMC WOULD BE PRODUCTIVE. DEPARTMENT WILL ADVISE EMBASSY IF AND WHEN DELTA ATTORNEY CONTACTS FMC AND OF ANY SUBSEQUENT DEVELOPMENTS. KISSINGER

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